

EXHIBIT 8-H-A

ENVIRONMENTAL REVIEW PROCEDURES

STATUTORY CHECKLIST

Checklist of Applicable Statutes
and Regulations

Business Name and Identification (Grant)
No. _____

Brief Description of Project _____

—

Area of Statutory-Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	Not Applicable to this Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals, permits Obtained	Conditions and/or Mitigation Actions Required*	Note Compliance Documentation
1. Historic Properties							
2. Floodplain Management							
3. Wetlands Protection							
4. Noise							
5. Air Quality							
6. Manmade Hazards							
Hazardous/Toxic Site							
Thermal/Explosive Hazards							
Airport Clear Zones							
7. Water Quality							
Surface Water/Water Quality							
Groundwater & Aquifers ¹							

Area of Statutory-Regulatory Compliance (Precise citations for applicable statutes and regulations are printed on the back of this Checklist.)	Not Applicable to this Project	Consultation Required	Review Required*	Permits Required*	Determination of Consistency Approvals, permits Obtained	Conditions and/or Mitigation Actions Required*	Note Compliance Documentation
8. Solid Waste Disposal							
9. Farmlands Protection							
10. Wild & Scenic Rivers							
11. Endangered Species, Fish & Wildlife							
12. Environmental Justice (E.O. 12898)							
13. State or Local Statutes							

* Attach evidence that required actions have been taken.

¹Including the Missoula Sole Source Aquifer; contact DOC for further information regarding Missoula area projects.

Are activities of this project "Categorically Excluded" from NEPA procedures? ___ Yes ___ No

Are all activities of this project "Exempt" from NEPA procedures? ___ Yes ___ No

INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN
THE HUD STATUTORY CHECKLIST AND COMPLIANCE CERTIFICATION

1. Historic Properties

- a. National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.) particularly sections 106 and 100 (216 U.S.C. 470 and 470h-2).
- b. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp.
- c. Federal historic preservation regulations:
 - (1) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG; and
 - (2) 36 CFR part 801 with respect to UDAG
- d. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. et. seq.)

2. Floodplain

- a. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp, as interpreted in HUD regulations at (24 CFR Part 55.
- b. Executive Order 11990 Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., and Applicable State Legislation or Regulations.

3. Coastal Zone Management

The Coastal Zone Management Act of 1972 (16 U.S.C.

4. Noise

HUD Regulations 24 CFR Part 51, Subpart B, (7/12/79).

5. Air Quality

Clean Air Act of 1970 as Amended (42 U.S.C. 7401-7642), EPA Regulation 40 CFR Part 50, and Partially 40 CFR Part 51, 52, 61.

6. Man-made Hazards

- a. HUD Regulation 24 CFR Part 51, Subpart C, (2/10/84) Hazardous Facilities.
- b. Also 24 CFR Part 51, Subpart D, (1/6/84) Airport Runway Clear Zones.

7. Water Quality

- a. Federal Water Pollution Control Act, as Amended (33 U.S.C. 1251-1376).

- b. Safe Drinking Water Act of 1974 (42 U.S.C. 300f-300j-10), as Amended.
 - c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 100-149.
 - d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 U.S.C.A. Section 300h-3 (1982).
8. Solid Waste Disposal
- a. Solid Waste Disposal Act as Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987).
 - b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 240-265.
9. Farmlands
- a. Farmland Protection Policy Act of 1981 (U.S.C. 4201 et. seq.).
 - b. U.S. Department of Agriculture implementing regulations (7 CFR Part 658).
10. Wild and Scenic Rivers Act of 1968
- 16 U.S.C. 1271 et. seq., as amended: particularly sections 7(b) and 7(c), and 16 U.S.C. 1278 (b) and (c).
- Note:** In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to Fred Robinson Bridge.
11. Endangered Species, Fish and Wildlife
- a. Endangered Species Act of 1973 as Amended (16 U.S.C. 1531-1543).
 - b. Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).
12. Environmental Justice
- Executive Order 12898 -- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. P. 859. (24 CFR Part 58.5, April 30, 1996)

CERTIFICATION

**I certify that the findings on the preceding
Community Development Block Grant Statutory
Checklist accurately reflect the status of
compliance with applicable laws and regulations
for the proposed CDBG project.**

Type Name and Title of
Environmental Certifying Officer

Signature

Date

EXHIBIT 8-H-B

MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

CONSOLIDATED ENVIRONMENTAL ASSESSMENT FORM

Introduction

The following form is for the use of Community Development Block Grant (CDBG) recipients who must prepare an Environmental Assessment (EA) as required by HUD Environmental Review procedures for the CDBG program (24 CFR 58.36). Satisfactory completion of this form will meet the requirements of the federal housing and Community Development Act as well as the national Environmental Policy Act (NEPA).

CDBG recipients must also demonstrate compliance with the environmental requirements of the other related federal environmental laws and regulations listed in the HUD Statutory Checklist (24 CFR 58.5). For this reason, the Statutory Checklist requirements have been combined into this single consolidated form. An index of the applicable federal statutes and regulations is found at the end of this form. Where noted, the numbers that appear to the right of the environmental subject areas listed in the checklist correspond to the listing of statutes found in the index.

The requirements of the Montana Environmental policy Act (MEPA) and the uniform State administrative rules adopted pursuant to the Act have also been integrated into the consolidated form.

Project identification

Recipient:

(City, Town, or County)

Chief Elected Official:

Environmental Certifying Officer:

CDBG Contract #:

Project Name:

(Example: Lonesome Dove Water Distribution System)

Person Preparing this
Environmental Assessment:

Phone Number:

Instructions for Completing this Form

The following instructions should be presented and evaluated in a level of detail which is appropriate to the following considerations:

- (a) the complexity of the proposed action;
- (b) the environmental sensitivity of the area affected by the proposed action;
- (c) the degree of uncertainty that the proposed action will have a significant impact on the quality of the human environment;
- (d) the need for and complexity of mitigation required to avoid significant environmental impacts.

In all cases, the CDBG grant recipient should reference and attach additional narrative providing the specific information requested or documentation supporting the evaluation of the impact of the proposed project or activity as it relates to each environmental subject area. The narrative should also note, where applicable, the source of the evaluation, including date of contact, page reference to pertinent source documents, and the name and title or persons contacted, along with the name of the specific organization or agency.

Environmental information and assistance in preparing an environmental assessment can be obtained from a wide variety of sources. Possible sources of information include existing plans and studies, knowledgeable local residents and officials such as the county sanitarian, city or county planning board or department, local officials with the U.S. Soil and Conservation Service (SCS) or local conservation district, as well as local representatives of the State Fish, Wildlife & Parks Department, to list just a few examples. Grant recipients may also contact the State and federal agencies listed in **Exhibit 2-O** for information and assistance.

The Department of Commerce Community Development Bureau maintains copies of environmental assessments prepared on previous projects that may be useful to grant recipients, as well as full copies of applicable federal and State environmental statutes and related information. Copies of the HUD publication, *Environmental Review Guide for Community Development Block Grant (CDBG) Programs*, can be requested from the CDBG program officer assigned to your project.

Evaluation of Environmental Impact

Provide the information requested below and attach additional narrative as appropriate.

1. Describe the proposed action or activity, including construction and end-product (attach maps and graphics as necessary).
2. Describe the project site and surrounding area(s), including existing site use and environmental conditions (attach map as applicable).
3. Describe the benefits and purpose of the proposed action.
4. Describe all sources of project funding:

5. Describe any project plans or studies which are relevant to the project.

6. Proposed implementation schedule.

7. Compliance with any applicable local plans, ordinances, or regulations.

<u>Project is in Compliance</u>		
		Not
Yes	No	Applicable

Local Comprehensive Plans including housing, land use and public facilities elements

Local zoning ordinances or land use regulations, such as land use permit systems or soil conservation district requirements

8. Evaluation of impact, including cumulative and secondary impacts, on the **Physical Environment**:

Please complete the following checklist. Attach narrative containing more detailed analysis of topics and impacts that are potentially significant.

Key Letter: **N** - No Impact/Not Applicable; **B** - Potentially Beneficial; **A** - Potentially Adverse; **P** - Approval/Permits Required; **M** - Mitigation Required

KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
_____	Soil Suitability, Topographic and/or Geologic Constraints	
_____	HUD Environmental Criteria--24 CFR Part 51: 51(b) Noise--Suitable Separation Between Housing & Other Noise Sensitive Activities & Major Noise Sources (Aircraft, Highways & Railroads) ^{8 *}	
_____	51(c) Hazardous Facilities--Acceptable Separation Distance from Explosive and Flammable Hazards (Chemical/ Petrochemical Storage Tanks & Facilities--ex., Natural Gas Storage Facilities & Propane Storage Tanks) ^{7 *}	
_____	51(d) Airport Runway Clear Zones-- Avoidance of Incompatible Land Use in Airport Runway Clear Zones ^{7 *}	
_____	EPA Hazardous Waste Sites, or Other Hazards or Nuisances Not Covered Above	
_____	Effects of Project on Surrounding Air Quality or Any Effects of Existing Air Quality on Project ^{1 *}	
_____	Groundwater Resources & Aquifer ^{a 10 *}	

* See index at end of form.

^aIncluding Sole Source Aquifer. Contact DOC for further information regarding Missoula-area projects.

Key Letter: **N** - No Impact/Not Applicable; **B** - Potentially Beneficial; **A** - Potentially Adverse; **P** - Approval/Permits Required; **M** - Mitigation Required

KEY	Impact Categories-- PHYSICAL ENVIRONMENT	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
_____	Surface Water/Water Quality, Quantity & Distribution ^{10.*}	
_____	Floodplains & Floodplain Management ^{5*}	
_____	Wetlands Protection ^{11*}	
_____	Agricultural Lands, Production, & Farmland Protection ^{3*}	
_____	Vegetation & Wildlife Species & Habitats, Including Fish ^{4*}	
_____	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species ^{2*}	
_____	Unique Natural Features	
_____	Access to and Quality of Recreational & Wilderness Activities, and Public Lands, Including Federally Designated Wild & Scenic Rivers ^{12*}	

9. Evaluation of impact, including cumulative and secondary impacts, on the **Human Population** in the area to be affected by the proposed action:

Please complete the following checklist. Attach narrative containing more detailed analysis of topics and impacts that are potentially significant.

Key Letter: **N** - No Impact/Not Applicable; **B** - Potentially Beneficial; **A** - Potentially Adverse; **P** - Approval/Permits Required; **M** - Mitigation Required

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
_____	Visual Quality--Coherence, Diversity, Compatible Use, and Scale Aesthetics	
_____	Historic Properties, Cultural, and Archaeological Resources ^{6*}	
_____	Changes in Demographic (Population) Characteristics	
_____	Environmental Justice ^{13*}	
_____	General Housing Conditions--Quality & Quantity	
_____	Displacement or Relocating of Businesses or Residents	
_____	Human Health	
_____	Local Employment & Income Patterns--Quantity and Distribution of Employment	
_____	Local and State Tax Base & Revenues	
_____	Educational Facilities	
_____	Commercial and Industrial Facilities, Production & Activity	
_____	Health Care	

Key Letter: **N** - No Impact/Not Applicable; **B** - Potentially Beneficial; **A** - Potentially Adverse; **P** - Approval/Permits Required; **M** - Mitigation Required

KEY <hr/>	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
<hr/>	Social Services	
<hr/>	Social Structures & Mores (Standards of Social Conduct/Social Conventions)	
<hr/>	Land Use Compatibility	
<hr/>	Energy Consumption	
<hr/>	Solid Waste Disposal ^{9*}	
<hr/>	Waste Water--Sewage System	
<hr/>	Storm Water	
<hr/>	Community Water Supply	
<hr/>	Public Safety: Police	
<hr/>	Fire	
<hr/>	Emergency Medical	
<hr/>	Parks, Playgrounds, & Open Space	

Key Letter: **N** - No Impact/Not Applicable; **B** - Potentially Beneficial; **A** - Potentially Adverse; **P** - Approval/Permits Required; **M** - Mitigation Required

KEY	Impact Categories-- HUMAN POPULATION	Source of Documentation Note date of each contact or page reference. Attach additional material as applicable. Where appropriate, please fully explain in attached materials.
	Cultural Facilities, Cultural Uniqueness, & Diversity	
	Transportation--Air, Rail & Auto (Including Local Traffic)	
	Consistency with Other State Statutes or Local Ordinances, Resolutions, or Plans <i>(to be added by local community)</i>	

10. Describe and analyze reasonable alternatives to the proposed activity whenever alternatives are reasonably available and prudent to consider, and discuss how the alternatives could be implemented, if applicable.
11. Where applicable, list and evaluate mitigation actions, stipulations, and other controls which will be enforced by the local government or another governmental agency.

12. Is the proposed project in compliance with all applicable Federal, State, and local laws and regulations?

Yes

No

LEVEL OF CLEARANCE FINDING:

Based on the foregoing environmental review, it is concluded that:

[] FINDING: A request to the Montana Department of Commerce for release of funds for the within project **is not** an action significantly affecting the quality of the human environment, and no EIS is required. A Finding of No Significant Impact (FONSI) can be made.

OR

[] FINDING: A request to the Montana Department of Commerce for release of funds for the within project **is** an action significantly affecting the quality of the human environment, and an EIS is required.

Finding Executed by:

Name (Typewritten):

Title: Environmental Certifying Officer

Signature:

Date:

INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN THE CHECKLIST

1. Air Quality

- a. Clean Air Act (42 U.S.C. 7401 et seq.) as amended; particularly section 17(c) and (d) (42 U.S.C. 7506(c) and(d)).
- b. Determining Conformity of Federal Actions to State or Federal Implementation Plans (Environmental Protection Agency-- 40 CFR parts 6, 51, and 93).

2. Endangered Species

- a. The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as amended; particularly section 7 (16 U.S.C. 1536).

3. Farmlands

- a. Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) particularly sections 1540(b) and 1541 (7 U.S.C. 4201(b) and 4202).
- b. Farmland Protection Policy (U.S. Department of Agriculture 7 CFR Part 658).

4. Fish and Wildlife

- b. Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

5. Floodplain

- a. Executive Order 11988, Floodplain Management, May 24 1977 (42 FR 26951, 3 CFR, 1977 Comp., as interpreted in HUD regulations at 24 CFR Part 55.
- b. Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128).
- c. National Flood Insurance Program (44 CFR 59-79).

6. Historic Properties

- a. The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.), particularly sections 106 and 110 (16 U.S.C. 470 and 470h-2), except as provided in '58.17 for Section 17 projects.
- b. Executive Order 11593 - Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp., particularly section 2(c).

- c. 36 CFR Part 800 with respect to HUD programs other than Urban Development Grants (UDAG)
- d. The Reservoir Salvage Act of 1960 as amended by the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469 et seq.), particularly section 3 (16 U.S.C 469a-1).

7. Man-made Hazards

- a. Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature, 24 CFR Part 51, Subpart C, (49 FR 5103, 2/10/84).
- b. HUD Notice 79-33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials, 9/10/79.
- c. Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields, 24 CFR Part 51, Subpart D (49 FR 880, 1/6/84)

8. Noise

- a. Noise Abatement and Control, 24 CFR Part 51, Subpart B, (44 FR 40861, 7/12/79, as amended at 61 FR 13333, 3/26/96).

9. Solid Waste Disposal

- a. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987).
- b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 240-265.

10. Water Quality

- a. Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1376).
- b. The Safe Drinking Water Act of 1974, as amended (42 U.S.C. 69-01-6978, 300f-300j-10).
- c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 100-149.
- d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 U.S.C. Section 300h-3 (1982).

11. Wetlands

- a. Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., particularly sections 2 and 5; and Applicable State Legislation or Regulations.

12. Wild and Scenic Rivers

- a. Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et. seq.) as amended, particularly section 7(b) and (c), (16 U.S.C. 1278 (b) and (c)).

Note: *In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to Fred Robinson Bridge.*

13. Environmental Justice

- a. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. P. 859. (24 CFR Part 58.5, April 30, 1996)

EXHIBIT 8-H-C

DOC/CDBG ENVIRONMENTAL REVIEW RECORD CHECKLIST

Name of Grantee: _____

Grant Fiscal Year: _____

Date of Review: _____

	Yes	No	N/A	See Comments
I. Receive Authorization to Incur Administrative Costs?				
Date:				
II. Is Environmental Certifying Officer Designated?				
III. Is Historic Preservation Review Initiated?				
IV. Environmental Review/Level of Finding				
Finding A - Exempt Activities				
If <u>exempt</u> , Finding of Exemption?				
Finding B - Categorically Excluded Activities, and No Activities Affected by Federal Statutes or Executive Orders				
If applicable, Finding of Exemption?				
Complete Statutory Checklist?				
- Evidence of Compliance with historic preservation requirements?				
- Evidence of compliance with floodplain management requirements?				
- Evidence of compliance with HUD environmental standards?				
Finding C - Categorically Excluded Activities, and Some Activities Affected by Federal Statutes and Executive Orders				
Statutory Checklist Completed Including Documentation of Affects of Federal Statutes and Executive Orders?				
- Evidence of compliance with historic preservation requirements?				
- Evidence of compliance with floodplain management requirements?				
- Evidence of compliance with HUD environmental standards?				
Finding of Categorical Exclusion Prepared?				
NOI/RROF prepared and published?				
Dates of 7 day local comment period for NOI/RROF, not counting date of publication?				
Dates:				

Dates of 15 day State DOC comment period for NOI/RROF, not counting date of publication?				
Dates:				
RROF and Certification Submitted to DOC?				
Finding D - Preparation of Environmental Assessment				
Environmental Assessment Form Completed?				
- Evidence of compliance with historic preservation requirements?				
- Evidence of compliance with floodplain management requirements?				
- Evidence of compliance with HUD environmental standards?				
FONSI/NOI/RROF prepared and published?				
Dates of 15 day local comment period for FONSI/NOI/RROF, not counting date of publication?				
Dates:				
Dates of 15 day State DOC comment period for FONSI/NOI/RROF, not counting date of publication?				
Dates:				
RROF submitted to DOC?				
Finding E - Finding of Significant Impact				
Environmental Assessment Prepared?				
Has DOC been contacted?				
In general does any information in the ERR indicated that the proposed project would significantly impact the environment or that mitigating measures should be considered to avoid significant impacts (attach comments, if necessary)?				

EXHIBIT 8-H-D

DESIGNATION OF ENVIRONMENTAL CERTIFYING OFFICIAL

(Sample - To Be Completed on Local Government Letterhead)

(Date)

(Name of CDBG Program Specialist)
Montana Department of Commerce
Local Government Assistance Division
1424 9th Avenue
P.O. Box 200501
Helena, MT 59620

Dear (Name of CDBG Program Specialist):

This is to notify you that _____ (Name) _____, _____ (Title) _____, is designated as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the 199__ CDBG grant awarded to _____ (Name of Grantee) _____, Montana.

Sincerely,

Signature*

Typed Name and Title

This letter should be signed by the chief elected official (mayor or chairperson of county commission).

EXHIBIT 8-H-E

FINDING OF EXEMPTION FOR ALL PROJECT ACTIVITIES

(Sample - To Be Completed on Local Government Letterhead.)

(Date)

(Name of CDBG Program Officer)
Montana Department of Commerce
Local Government Assistance Division
1424 9th Avenue
P.O. Box 200501
Helena, MT 59620

Dear *(Name of CDBG Program Officer)*:

On _____, 199__ the *(name of community)* received notice from the Montana Department of Commerce that the application for a *(economic development, housing, or public facility)* project under the Montana Community Development Block Grant (CDBG) Program has been tentatively approved. Pursuant to this notification, it is the finding of *(name of community)* that the following activities approved for funding under the State administered CDBG Program are defined as categorically excluded under 24 CFR Part 58.35. Furthermore, it is the finding of *(name of community)*, after completion of the Statutory Checklist, that the activities listed below are also exempt under 24 CFR 58.34 (a) (12):

(Describe All Project Activities Here)

Sincerely,

Signature of Chief Elected Official

EXHIBIT 8-H-F.1

NEW REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION-FORM 7015.15

HUD Form 7015.15 (Request for Release of Funds and Certification) has been revised. All Responsible Entities (RE) should use the new form when preparing a Request for Release of Funds and Certification (RROF).

- ❑ Environmental Review Procedures in 24 CFR Part 58.34(a)(1-12) allow the draw down of CDBG funds without completing a Request for Release of Funds (RROF) *if an activity is “Exempt”* and the determination is in writing.
- ❑ When an activity is *“Categorically Excluded”* and completion of the *Statutory Checklist* indicates *no circumstances* that require compliance with any of the Federal laws and authorities cited in Part 58.5, it can be converted to exempt status as allowed in Part 58.34(a)(12). *No public notice or RROF is necessary.*
- ❑ When an activity is *“Categorically Excluded,”* and completion of the *Statutory Checklist* indicates compliance with a Federal law or authority cited in Part 58.5 is required, a *Notice of Intent to Request Release of Funds (NOI/RROF)* must be published and a RROF submitted to the DOC.
- ❑ If an activity is *neither “Exempt” nor “Categorically Excluded,”* a full Environmental Assessment must be completed and a Finding of No Significant Impact (FONSI) and NOI/RROF published prior to submitting a RROF to the DOC for processing.

Information regarding completion of the new RROF is as follows:

Part 1:

Block 1 - Program Title(s): Identify the program for which funds are being requested for release. (CDBG ED Program, CDBG Public Facility, etc.)

Block 2-HUD/State Identification Number: Each CDBG Program grant has an individual identification number. For example, a CDBG ED Program with a grant number of MT-CDBG-99ED-01 would identify certain information regarding the program: CDBG-indicates the CDBG program: 99-Program Year: ED-Economic Development Program: 01-the first grant within the program year.

Block 3-Recipient Identification: This number has no meaning to the state and may be left blank if the RE or recipient chooses. Some entities use an identification number for accounting or other purposes.

Block 4-OMB Catalogue No(s): The Office of Management and Budget issues an annual catalogue of Federal Domestic Assistance Programs with a codified number for each. For example, the Community Development Block Grant Program number is 14.228 and the Emergency Shelter Grant Program is 14.231.

Block 5-Name and Address of Responsible Entity: Self-explanatory.

Block 6-For Information About This Request Contact: Identify the name and telephone number of the person the Department of Commerce can contact if additional information or clarification is necessary.

Block 7-Name and Address of Recipient (if different from responsible entity: If the recipient of the CDBG funds is not the RE, the name and address of the recipient should be identified.

Block 8-HUD or State Agency & Office Unit to Receive Request: For the **CDBG ED Program**, the RROF, along with proof of publication should be addressed to:

Montana Department of Commerce
Economic Development Division
Community Development Block Grant Program
1424 9th Avenue
P.O. Box 200505
Helena, MT 59620-0505

Block 9-Program Activity/Project Name: The project name or activity should be identified.

Block 10-Location: Identify the location of the activity. For activities such as water/sewer lines and street paving the streets and boundaries should be identified.

Block 11-Program Activity/Project Description: This block should describe the activity/project.

Part 2: Environmental Certification:

Number 5: Be sure and check one of the boxes to certify the project did or did not require an Environmental Impact Statement.

Number 7: The RROF must be signed and dated by the certifying official of the RE. The title and address of the certifying official should be included. Normally the Mayor, City Manager, Chairperson of the county commission or county administrator is the certifying official. If it is someone else, a resolution by the county commission or city council authorizing them to sign the RROF should be provided when submitting a RROF.

Part 3:

This section should be completed only if the recipient of CDBG assistance is not the RE. The RE is the unit of general local government within which the project is located that exercises land use responsibility. A RE is not always the recipient of CDBG assistance but is responsible for completing the environmental review and RROF.

U.S. Department of Housing
and Urban Development

**Request for Release of Funds
and Certification**

OMB No. 2506-0087 (exp. 6/30/2001)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR part 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 0.6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor this collection of information, and a person is not required to respond to questions about this requirement, unless the collection request displays a valid OMB control number.

Part I. Program Description and Request for Release of Funds (to be completed by the Responsible Entity)

1. Program Title(s):	2. HUD/State Identification Number:	Recipient Identification Number: (optional)
4. OMB Catalog No(s):	5. Name & Address of Responsible Entity:	
6. For information about this request, Contact:	7. Name & Address of Recipient: (if different from responsible entity)	
8. HUD or State Agency & Office Unit to Receive Request:		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of assistance for the following:

9. Program Activity/Project Name:	10. Location: (street, address, city, county, & state)
11. Program Activity/Project Description:	

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has assumed responsibility for and complied with, or will continue to comply with, the National Environmental Policy Act of 1969, as amended; the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5 and 24 CFR 58.6; and the applicable State and Local laws.
2. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part I of this request, I have found that the project ☐ **did** ☐ **did not** require the preparation and dissemination of a of an environmental impact statement.
3. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.60 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or provide evidence of posting and mailing procedure.
4. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
5. In accordance with 24 CFR Part 58.71(b) the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

6. I am authorized to and do consent to assume the status of federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR Part 58.5 and 24 CFR Part 58.6 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decisionmaking and actions that have been assumed by the responsible entity.
7. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity: X Address of Certifying Officer	Title of Certifying Officer:
	Date Signed:

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in the environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient: X	Title of Authorized Officer:
	Date Signed:

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 USC 101, 1010, 1012; 31 USC 3729, 2802).

FINDING OF CATEGORICAL EXCLUSION UNDER 24 CFR 58.35(b)(4)

(SAMPLE - To be Completed on Local Government Letterhead. Exclude footnote)

Date

(Name of CDBG Program Officer)

Montana Department of Commerce
Economic Development Division
Community Development Block Grant Program
P.O. Box 200505
Helena, MT 59620-0505

Dear (CDBG Program Officer):

On (Date) the (name of community) received notice from the Montana Department of Commerce that the application for an economic project under the Montana Community Development Block Grant (CDBG) Program has been tentatively approved. Pursuant to this notification, it is the finding of (name of community) that the following activities approved for funding under the State administered CDBG Program are defined as categorically excluded under 24 CFR Part 58.35. Furthermore, after completing the Statutory Checklist, it is the finding of (name of community), that the activities listed below are **not** subject to 24 CFR 58.5 and are categorically excluded under 24 CFR 58.35(b)(4)¹:

(Describe All Project Activities Here)

Sincerely,

Signature of Chief Elected Official

¹ §58.35(b) *Categorical exclusions not subject to Sec. 58.5.* The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section. Following the award of the assistance, no further approval from HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under Sec. 58.6.

(4) *Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs **not associated with construction or expansion of existing operations**;*

FINDING OF CATEGORICAL EXCLUSION UNDER 24 CFR 58.35(a)

(Sample - To Be Completed on Local Government Letterhead)

(Date)

(Name of CDBG Program Officer)

Montana Department of Commerce
Local Government Assistance Division
1424 9th Avenue
P.O. Box 200501
Helena, MT 59620-0501

Dear *(Name of CDBG Program Officer)*:

It is the finding of the *(Name of Grantee: City, Town or County of)* Montana, that the following activities approved for funding under the Montana CDBG program are defined as categorically excluded under 24 Part 58.35 of the Environmental Review Procedures for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exclusion are listed below:

List applicable activities, descriptions, and authority. For example:

1. *Expansion of XYZ Nursing Home, located at 123 First Avenue, Sunrise, Montana*

Authority -- Section 58.35(a)(3)(ii):

*Rehabilitation of buildings when the following conditions are met . . . In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; **and** (B) the activity does not involve a change in land use . . .*

Compliance with the environmental requirements of other federal authorities is indicated on the attached Statutory Checklist.

Sincerely,

*(Signature of Environmental Certifying Official
or Chief Elected Official)*

ENVIRONMENTAL REVIEW FLOWCHART 24 CFR PART 58

8-H.7

